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6   UNITED STATES DISTRICT COURT
                         WESTERN DISTRICT OF WASHINGTON
                                    AT TACOMA

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   FRANK ALLEN,   CASE NO. C24-5495 BHS
8
                            Plaintiff,   ORDER
9   v.

10 UNITED STATES DEPARTMENT OF
   LABOR OFFICE OF WORKER'S
11 COMPENSATION,

12   Defendant.

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14   THIS MATTER is before the Court on its own motion, following its June 26,

15 2024, Order requiring the parties to file a joint status report by September 24, 2014, Dkt.

16 4, and the Court's October 10, 2024, Notice informing them that if such a notice was not

17 filed "forthwith," the case may be dismissed, Dkt. 7.

18   Pro se plaintiff Frank Allen filed this action in Kitsap County Superior Court in

19 May 2024. Dkt. 1-1. He asserts Federal Tort Claims Act (FTCA) and other claims

20 relating to a 1989 on the job injury. *Id*. There is no evidence Allen served process on

21 defendant United States while the case was pending there. The government timely

22 removed the case under 28 U.S.C. § 1442(a)(1) and 28 U.S.C. § 2679(d)(2). It

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1 affirmatively asserted that it had not been served. Dkt. 1 at 2. There is no evidence that

2 Allen has served the United States since the case was removed.

3   Since the Court's Order and follow-up Notice, Allen has filed (or re-filed) various

4 documents and exhibits in the case, Dkts. 6 and 8, but he has not addressed any of the

5 issues the Court ordered him to address. Dkts. 4 and 7. Nor has Allen provided any

6 evidence that he properly served the defendant under Federal Rule of Civil Procedure 4

7 since the case was removed. Rule 4(m) requires a plaintiff to serve his summons and

8 complaint within 90 days of filing.

9   Despite the Court's Orders and the Rules' requirements, Allen has not served his

10 summons and complaint, and he has not complied with the Court's Orders. This matter is

11 therefore **DISMISSED** without prejudice for failure to serve and failure to prosecute.

12   The Clerk shall enter a **JUDGMENT** and close the case.

13   **IT IS SO ORDERED**.

14   Dated this 5th day of November, 2024.

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17   BENJAMIN H. SETTLE
        United States District Judge

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